

Interview Summary

Application No.

10/607,010

Applicant(s)

AUSTIN ET AL.

Examiner

Richard Shaffer

Art Unit

3733

All participants (applicant, applicant's representative, PTO personnel):

(1) Richard Shaffer.

(3) David Chambers.

(2) Eduardo Robert.

(4) Ed Austin.

Date of Interview: 12 March 2008.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: See Continuation Sheet.

Claim(s) discussed: Proposed claims 49 and 50.

Identification of prior art discussed: Faccioli (WO 00/40163); Pennig (US 5,827,282); Lee et al (US 5,405,347).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

EDUARDO C. ROBERT
SUPERVISORY PATENT EXAMINER

Richard Shaffer *RS*

Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Continuation of Exhibit shown or demonstration conducted, If Yes, brief description: A PowerPoint Presentation was given depicting prior art devices as well as applicant's invention as well as how each are used for reconstruction of an ankle joint. Other components of the presentation described types of ankle fractures, the importance of controlled displacement in the AP and ML axes independently. Applicant also brought in a working model of the device which was consistent with the patent application disclosure.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Ed Austin (applicant) and David Chambers (applicant's representative) met with the Office to demonstrate the device and discuss proposed claim amendments in relation to the prior art of record. It was agreed that proposed claim amendments overcome the rejection in the previous office action. It was encouraged of applicant to focus on the two independent axis movement of the carriage if it can be shown that Lee et al can not be used in two different axes independent of one another. Other structural differences between applicant's device and the prior art are the location of the shaft in the jaw of Pennig and the bifurcation of the lower portion of Faccioli. Applicant was reminded that additional search and consideration would be conducted at the time of amendment..